

Article by HTS note number	Annual supplementary quota (kilograms)
Austria .....	18,333
EC .....	58,333
Sweden .....	150,000
Switzerland .....	16,666
Czech Republic .....	400,000
Hungary .....	400,000

\*Issuance of licenses and quota quantities are conditioned on completion of a bilateral memorandum of understanding between the Governments of the United States and Poland.

Signed at Washington, D.C., on April 21, 1995.

**Richard E. Rominger,**

*Acting Secretary of Agriculture.*

[FR Doc. 95-10712 Filed 4-27-95; 12:36 pm]

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## Animal and Plant Health Inspection Service

### 9 CFR Part 94

[Docket No. 94-107-2]

### Switzerland; Change in Disease Status

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are declaring Switzerland free of rinderpest, foot-and-mouth disease, and Exotic Newcastle disease (VVND). As part of this action, we are adding Switzerland to the lists of countries that, although declared free of rinderpest, foot-and-mouth disease, and VVND, are subject to restrictions on meat and other animal products offered for importation into the United States. This rule removes the prohibition on the importation of ruminants and fresh, chilled, and frozen meat of ruminants into the United States from Switzerland, although those importations will be subject to certain restrictions. This rule also relieves certain prohibitions and restrictions on the importation, from Switzerland, of milk and milk products of ruminants and of certain poultry and poultry products.

**EFFECTIVE DATE:** May 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kathleen Akin, Senior Staff Veterinarian, Import/Export Products, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-7830.

#### SUPPLEMENTARY INFORMATION:

#### Background

The regulations in 9 CFR part 94 (referred to below as the regulations)

govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), and Exotic Newcastle disease (VVND). FMD and rinderpest are dangerous and destructive communicable diseases of ruminants and swine. VVND is a contagious, infectious, and communicable disease of poultry.

On February 2, 1995, we published in the **Federal Register** (60 FR 6454-6456, Docket No. 94-107-1) a proposal to amend the regulations by adding Switzerland to the list in § 94.1(a)(2) of countries declared free of both rinderpest and FMD and to the list in § 94.6(a)(2) of countries declared free of VVND. In that document, we also proposed to add Switzerland to the list in § 94.11(a) of countries that, although declared free of rinderpest and FMD, are subject to special restrictions on the importation of their meat and other animal products into the United States.

We solicited comments concerning our proposal for 60 days ending April 3, 1995. We did not receive any comments. The facts presented in the proposed rule still provide the basis for this final rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change.

#### Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**.

This rule removes the prohibition on the importation of ruminants and fresh, chilled, and frozen meat of ruminants into the United States from Switzerland and relieves restrictions on the importation from Switzerland of milk and milk products of ruminants and certain poultry and poultry products. We have determined that approximately 2 weeks are needed to ensure that Animal and Plant Health Inspection

Service personnel at ports of entry receive official notice of this change in the regulations. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be made effective 15 days after publication in the **Federal Register**.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This final rule amends the regulations in part 94 by adding Switzerland to the list of countries declared free of rinderpest and FMD and to the list of countries declared free of VVND. This action will remove the prohibition on the importation of ruminants and fresh, chilled, and frozen meat of ruminants into the United States from Switzerland, although those importations will be subject to certain restrictions. This revision will also relieve restrictions on the importation from Switzerland of milk and milk products of ruminants and certain poultry and poultry products. This action will not relieve certain restrictions on the importation of live swine and fresh, chilled, and frozen meat of swine from Switzerland because Switzerland is still considered to be affected with hog cholera. Similarly, this action will not relieve certain restrictions on the importation from Switzerland, of ruminant meat and edible products from ruminants because bovine spongiform encephalopathy (BSE) exists in Switzerland.

Based on available information, the Department does not anticipate a major increase in exports of ruminants and fresh, chilled, or frozen meat of ruminants or poultry from Switzerland into the United States as a result of this final rule.

The primary effects due of this change in the regulations will be limited to bovine meat and prepared products, since swine and swine products are excluded because of restrictions due to

hog cholera, live cattle and breeding material are excluded due to BSE, and there is no sheep, lamb, or goat production in Switzerland (USDA, National Agricultural Statistics Service (NASS), "Agricultural Statistics," 1993). Commencement of such production is not expected due to the regulation change. The impact of increased beef imports resulting from the regulation changes will likely be minimal because the cattle industry in Switzerland is relatively small and high cost compared to the United States domestic market. Cattle inventories in Switzerland were estimated to be about 1.78 million head in 1993, while U.S. inventories were over 101 million head in 1993 (USDA, Foreign Agricultural Service, Switzerland's Annual Livestock Report, August 8, 1994, and USDA, NASS, "Agricultural Statistics," 1993).

Due to current restrictions, the United States does not import any uncooked meat or meat products from Switzerland. Total meat production in the United States in 1992 was just under 18.587 million metric tons, while Swiss meat production in 1992 reached approximately 429,000 metric tons, about 2.3 percent of the United States total (USDA, National Agricultural Statistics Service, "Agricultural Statistics," 1993). Therefore, even if Switzerland exported a significant portion of its meat production exclusively to the United States, which is unlikely, the effect of those exports on United States domestic prices or supplies would be negligible.

As with the ruminants and meat products discussed above, the Department does not anticipate a major increase in exports of milk and milk products from Switzerland into the United States as a result of this final rule. The importation into the United States of all dairy products, except for casein and other caseinates, is restricted by quotas. Although the importation of casein into the United States is not regulated by quotas, world prices of casein are competitively set. The United States does not produce casein, but does import more than half of the casein produced in the world. The regulations currently allow casein and other caseinates to be imported into the United States from countries where rinderpest or FMD exists if the importer has applied for and obtained written permission from the Administrator of the Animal and Plant Health Inspection Service. The United States did not import any casein from Switzerland in 1993 (USDA, Economic Research Service (ERS), "Foreign Agricultural Trade of the United States: Calendar Year 1993 Supplement," 1993).

Declaring Switzerland free of rinderpest and FMD, thus removing the requirement for written permission from the Administrator, is not expected to have any effect on the amount of casein imported into the United States from Switzerland because the current restrictions do not substantially impede imports.

Imports of poultry and poultry products into the United States from Switzerland in 1992 and 1993 fell into two categories: live poultry, and feathers and down. Total live poultry imports into the United States were valued at \$14.4 million and \$14.5 million in 1992 and 1993, respectively. United States live poultry imports from Switzerland were valued at \$67 thousand and \$74 thousand in 1992 and 1993, respectively, about 0.5 percent of the total imports. Total United States imports of feathers and down were valued at \$84 million and \$60.1 million in 1992 and 1993, respectively. United States imports of feathers and down from Switzerland were valued at \$1.2 million and \$0.41 million in 1992 and 1993, respectively, less than 1.5 percent of the total imports (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1993 Supplement," 1993). Also, Switzerland is dependent on imports for over 50 percent of domestic poultry consumption. Consequently, the changes in current regulations concerning VVND are not expected to result in increased exports to the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry

and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 continues to read as follows:

**Authority:** 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, and 4332; 7 CFR 2.17, 2.51, and 371.2(d).

#### **§ 94.1 [Amended]**

2. In § 94.1, paragraph (a)(2) is amended by adding "Switzerland," immediately after "Sweden,".

#### **§ 94.6 [Amended]**

3. In § 94.6, paragraph (a)(2) is amended by removing "and Sweden" and adding "Sweden, and Switzerland" in its place.

#### **§ 94.11 [Amended]**

4. In § 94.11, paragraph (a), the first sentence is amended by removing "and Sweden," and adding "Sweden, and Switzerland," in its place.

Done in Washington, DC, this 26th day of May 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-10745 Filed 5-1-95; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 94-NM-44-AD; Amendment 39-9214; AD 74-08-09 R1]

#### **Airworthiness Directives; Transport Category Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment revises an existing airworthiness directive (AD) that is applicable to all transport category airplanes. The existing AD currently requires installation of placards prohibiting smoking in the lavatory and disposal of cigarettes in the